

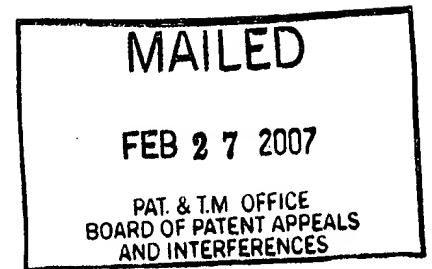
The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte Eric O. Bodnar

Appeal 2007-0252
Application 09/369,490
Technology Center 2100



Decided: February 27, 2007

Before JAMES D. THOMAS, KENNETH W. HAIRSTON, and HOWARD
B. BLANKENSHIP, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134 Appellants have appealed to the Board from the Examiner's Final Rejection of claims 89 through 106. An Oral Hearing was conducted in this appeal on February 13, 2007.

Representative independent claim 89 is reproduced below:

89. A method of sending messages from a web server to a parent application running on a client machine, the parent application having an embedded browser that communicates with the web server, the method including:

the parent application intercepting a web page sent from the web server to the embedded browser, the web page including one or more special key tags encoded with instructions to the parent application, wherein the special key tags are not HTML formatting tags;

the parent application responding to the encoded instructions by triggering a special behavior of the parent application, distinct from displaying the web page; and

the embedded browser displaying at least part of the web page other than the special key tags.

The following references are relied on by the Examiner:

Larsson	US 6,408,326 B1	Jun. 18, 2002 (Filed April 20, 1999)
Butler	US 6,771,743 B1	Aug. 3, 2004 (Filed August 12, 1997)

Claims 89 through 93, 96 through 102, 105 and 106 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Butler. Claims 94, 95, 103 and 104 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the Examiner relies upon Butler in view of Larsson.

Rather than repeat the positions of the Appellants and the Examiner, reference is made to the Brief and Reply Brief for Appellants' positions, and to the Answer for the Examiner's positions.

OPINION

We reverse.

Consistent with the Examiner's position with respect to representative independent claim 89 on appeal, we understand the Examiner correlates the voice processing system 2 in figure 1 of Butler to the claimed parent application and the claimed embedded browser to the graphical Web browser discussed in this reference. From the perspective of the Web server claimed, the data communication network 3 in figure 1 of Butler provides integrated Web pages to the voice processing system 2 of Butler. This voice processing system 2 of Butler is described in this reference with respect to a well known voice browser for Web on call application programs also discussed as a voice application. Butler also discusses a conventional Web browser characterized as a graphical Web browser.

It appears to us that the artisan would consider that the voice operating system 2 operates separately from a conventional client computer system operating a conventional graphical Web browser in separate devices. The second line of the abstract indicates that this voice processing system allows telephone callers without computers to access identifiable integrated Web

pages from the Internet. This characterization is also utilized in the third paragraph of the Summary at column 3 of Butler.

The first paragraph of this summary also teaches the integration of voice application and HTML pages together such that voice application commands as well as conventional HTML Web page commands exist together. Butler functions such as to permit the voice browser to ignore all conventional HTML tag information written for a conventional graphical Web browser and, on the other hand, for the graphical Web browser to ignore all HTML tag information written for a voice browser. It is then stated that “the same HTML document is accessible to both computer users (via a graphical Web browser) and to telephone callers (via a voice browser).” Butler at col. 3, ll. 31-33.

The middle of column 1 of Butler characterizes that client computer as utilizing a conventional operating system with the graphical Web browser. On the other hand, the discussion at column 2 indicates that a prior art voice processing system or application utilizes a RISC system. From the above it is apparent to us that the artisan would consider that the client computer with its conventional graphical Web browser would be a separate device from the voice processing system 2 employing the voice browser/voice application.

Therefore, Butler teaches to the artisan different parent applications on two different devices (the computer utilizing a conventional graphical Web browser and a voice processing system 2 utilizing a voice browser) as two different systems. The functions of the claimed “the parent application” recited in independent claims 89 and 98 on appeal are not performed in the same device in Butler. This position is essentially gleaned from Appellants’ arguments at pages 2 and 3 of the Reply Brief as well. Butler clearly contemplates that these separate devices respond differently to the same integrated Web pages sent from a Web server.

Stated differently, the parent application of the claims perform an intercepting, responding and triggering function in Butler associated with voice processing system 2 but it contains no embedded browser such as to display at least part of the Web page other than the special key tags required at the end of claims 89 and 98. Conversely, the embedded Web browser of the conventional client computer does perform this latter stated function of these claims but is not taught to have a parent application that performs the intercepting, responding and triggering functions of the remaining parts of these independent claims.

In view of the foregoing analysis, we must reverse the rejection of independent claims 89 and 98 as well as their respective dependent claims in the first stated rejection under 35 U.S.C. § 102. Likewise, the second stated rejection of other dependent claims under 35 U.S.C. § 103 must also be reversed since the rejection of their parent independent claims has been reversed. Therefore, the decision of the Examiner is reversed.

REVERSED

PGC

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